



FINDS Input Form

Add

Change

Delete

Requested by: FTTS - YS

Date: 4/2/92

D&B:

EPA ID NUMBER: WAD 064029168

Facility Name: ~~McGraw Edison~~ Svc The Great National Electric Coal

Street 1: N 415 Francker Rd

Street 2:

City: Spokane

State: Wa

Zip Code: 99220

County Code: 063

Congressional District:

Latitude:

Lat-Long Source:

Longitude:

Lat-Long Accuracy:

SIC codes:

Indian Land: N (Y/N)

Federal Facility: N (Y/N)

Comments: formerly: McGraw Edison

RCRIS(OSW) :

PCS(OWER) :

CDS(OAR) :

FTTS(OTS) 8408033122--1

CERCLIS(DOCKET) :

DOCKET(OECM) :

Loaded by: pat

Date: 5/11/92

Verified by:

Date:

CC:

CC:

CC:

1085-03-20-2615P
(TSCA-PCB)

McGRATH EDISON SERVICE,
NATIONAL ELECTRIC COIL

Form 3811, July 1983

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fee and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:
Stanley L. Waldbaum, Esq.
McGraw Edison Service Div.
333 Route 46 West
Fairfield, NJ 07006

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

P 652-428-271

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

U.S. POSTAL SERVICE

8. Addressee's Address (ONLY if requested and fee paid)

55 CLINTON RD.
WEST CALDWELL, N.J. 07006

DOMESTIC RETURN RECEIPT

File

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE

SEATTLE, WASHINGTON 98101



REPLY TO M/S 613
ATTN OF:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Stanley L. Waldbaum, Esq.
Divisional Counsel
McGraw Edison Service Division, McGraw Edison Company
333 Route 46 West
Fairfield, New Jersey 07006

Dear Mr. Waldbaum:

The enclosed consent agreement and order encapsulates the agreement reached between EPA and McGraw after our telephone conferences on June 5, 1985, in settlement of complaint #1085-03-20-2615P. Please review this agreement and proceed as follows:

Sign the agreement and return the original to the Region 10 Hearing Clerk at the above address. The copy is for your files. Your signature will complete this agreement, and your obligations will become due, as described in the ORDER section of the agreement. Once I receive notice from Bill Hedgebeth and the Region 10 Hearing Clerk that your obligations have been completed, I will close the file on this matter and notify you of the same.

Thank you for your cooperation in this matter.

Sincerely,

D. Henry Elsen
Assistant Regional Counsel

cc (w/enclosure): Mr. William Kaikas
Director of Industrial Relations

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8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 BEFORE THE REGIONAL ADMINISTRATOR
10 Region 10
11 Seattle, Washington

12 IN THE MATTER OF)
13) Docket No. 1085-03-20-2615P
14 MCGRAW EDISON SERVICE)
15 NATIONAL ELECTRIC COIL,)
16) CONSENT AGREEMENT
17) AND FINAL ORDER
18 Respondent.)
19)
20)

21 This administrative proceeding for the assessment of civil penalties
22 was initiated by complaint issued May 17, 1985, pursuant to Section 16(a) of
23 the Toxic Substances Control Act (15 U.S.C. §2615(a)), hereinafter "TSCA."
24 After an informal telephone conference held on June 5, 1985, the following
25 Consent Agreement has been entered into by McGraw Edison Company, McGraw
26 Edison Service Division ("McGraw"),^{1/} and the Environmental Protection
27 Agency ("EPA").

28 FINDINGS OF FACT

1. Three PCB transformers are maintained in active, in-service use
by McGraw's Spokane facility, located at North 415 Fancher Road in Spokane,
Washington.

^{1/} At or near the time of the issuance of the complaint in this matter,
McGraw Edison, Inc. was purchased by Cooper Industries of Houston, Texas.
McGraw Edison, Inc. agrees and warrants that all obligations described in this
agreement and order are binding upon this new owner.

2. No quarterly inspections, as defined in 40 C.F.R. §761.30(a)(1), of the three PCB Transformers described in paragraph 1 above were performed by McGraw between April 1 and June 30, 1984.

3. On August 3, 1984, the three PCB Transformers described in paragraph 1 above were not labeled with a six inch by six inch label, as required by 40 C.F.R. §761.40(a)(2), and described in 40 C.F.R. §761.45.

4. As of August 3, 1984, no annual reports were developed or maintained for the years of 1978-1983, for the facility described in paragraph 1 above, as the term "annual report" is defined in 40 C.F.R. §761.180(a).

CONCLUSIONS OF LAW

1. McGraw's activities, as stated in the Findings of Fact, constitute violations of Section 15 of TSCA, 15 U.S.C. §2614, and the following regulations:

- a. 40 C.F.R. §761.30(a)(1) (use without quarterly inspections)
- b. 40 C.F.R. §761.40(a)(2) (labeling)
- c. 40 C.F.R. §761.180(a) (recordkeeping).

AGREEMENT

1. EPA has jurisdiction pursuant to TSCA over respondent and this proceeding.

2. In full and complete settlement of this matter, including all counts and allegations contained in the Complaint, McGraw will do the following:

- a. McGraw Edison Service Division will submit the annual reports for McGraw's Spokane facility (as described in Findings of Fact, paragraph 1) for the year 1983 to Mr. Bill Hedgebeth, EPA Region 10, 1200 Sixth Avenue, M/S 524, Seattle, Washington 98101. EPA will review the report for technical compliance with 40 C.F.R. §761.180(a)(1).

b. McGraw Edison Service Division will submit to EPA a draft of a letter which will be sent to other facilities in the McGraw organization that use PCB Items or Transformers. The letter will warn of possible ramifications of future liability for violations similar to those that are the subject of this proceeding. EPA will review the letter for technical accuracy, and submit comments to McGraw. After agreement on the content of the letter, ~~Mr. Kaikas~~ ^{McGraw} will send the letter to the appropriate McGraw facilities.

c. McGraw will pay a civil penalty totalling Three Thousand Eight Hundred and Twenty-Five Dollars (\$3,825.00) to EPA. This amount represents the originally assessed penalty less a fifteen percent (15%) credit to McGraw for the "attitude" of McGraw, as provided in the TSCA penalty policy, 45 F.R. 59770 (Sept. 10, 1980). The attitude credit is given in recognition of the above-described activities, and McGraw's efforts to correct the violations described in this agreement.

3. By agreement herein, McGraw waives its rights to a hearing on the facts, and its right of appeal of the complaint or this agreement and order.

Dated: _____

By: _____
Of Attorney for
McGraw Edison Service Division
McGraw Edison Co.

Dated: 5/13/85

By: [Signature]
D. Henry Elsen
Assistant Regional Counsel
Environmental Protection Agency
Region 10

ORDER

1. McGraw Edison Service Division, McGraw Edison Company shall pay the total of Three Thousand Eight Hundred and Twenty-Five Dollars (\$3,825.00) within thirty (30) days of the date of this ORDER.

Payment of this penalty shall be made by check payable to the United States Treasurer, remitted to the following:

Environmental Protection Agency, Region 10
(Regional Hearing Clerk)
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

with a copy to the

Regional Hearing Clerk
Office of Regional Counsel
Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

2. McGraw Edison Service Division, McGraw Edison Company shall submit any annual reports for the year 1983, as the term "annual reports" is defined by 40 C.F.R. §761.180(a), for its Spokane, Washington facility, to EPA, within thirty (30) days of the date of this ORDER.

3. McGraw Edison Service Division, McGraw Edison Company shall submit a draft of a letter advising other McGraw Edison Service Division facilities of the potential ramifications of liability for similar violations to EPA within thirty (30) days of the date of this ORDER. After the content of this letter is agreed upon between McGraw and EPA, McGraw will send this letter to its Service Division facilities which may use PCB Items or Transformers.

DATED this 20th day of June 1985.


ERNESTA B. BARNES
Regional Administrator
U.S. Environmental Protection Agency

7:17 - 6:30

8-6

4 Sat. am. ev.

9:14

5

46.25

4

50.25

(50) - excludes lunch & travel

5 / wk =

32

160 =

comp. hrs.

(80 comp. hrs.)

+
vacation
days.

McGraw

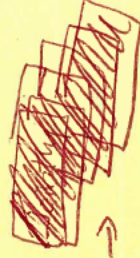
(b) (6)

Kleeburg → ~~finding the time~~ →

evening →

8:00

4:30



KEY DATES →

1. Aug. 3, 1984 -

inspection at McGraw

TSCA penalty
policy

① No inspection report for A-J. 80

② Labelling - 6x6 (also, no manufacturer's label)

③ Annual Report for '78-'83 (83-84) (5 years worth)
(specifically, disposal of some items
on June 10, 1982)

(only had shipping manifest)
(notified on Nov. 13, 1982)

1. fin. info. of company

P

45 F.R. (N. 177), Sept. 10, 1980

Actors

EPA

(Plant Mgr.) Jon Holm - in charge of PCB's

Mike Hayles - inspector

Shirley Dubuque - second

Bill Hedgeboth - program

L. Martin - actual inspector

empt. mgr.

who filled out reports

Gil - Section Chief

Haselberger

Anita Frankel - Branch Chief

~~Division~~ Director

45 FR 59710.

Have to begin Folien - H. Q. person

Stanley →

Bill Kaikas ⇒

Director of Industrial Relations
Columbia Univ. -

30 days -

2

Procedure →

Whenever →

Bill Kaikas authorized

Telephone -

1. Waldbaum, Stanley Esq. McGraw Ed.
Divisional Comm.
333 Route 46 West
Fairfield, N.J.

07006

(24)

Stanley L. Waldbaum, I
M. C. Graw Ed. Service
333 Route 46 W.
Fairfield, N.J.
07006

Dec. 31, 1984

3,825 -

Corporate financial
guidance

Certain reports
letter of advice

3,600
450
2,550.00

4500
675
22500
4500
675.00

\$ 3,825.00

Send 6/21 or
6/24 - DTE

GB

McGraw Edison consent order
concurrency.

DTE

CONCURRENCES							
SYMBOL	TR	<i>ll</i>		<i>GB Shunt</i>	<i>236</i>		
SURNAME	ROGOWSKI	HEDGE BETH	HASELBERGER	FRANKEL	O'NEAL	COATE	
DATE	6/11	6/11/89	<i>236</i>	6/13	6/14		

ROUTING AND TRANSMITTAL SLIP

Date

June 11, 1985

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ROGOWSKI	TR	6/11
2. HEDGEBETH	M	6/11
3. HASELBERGER	SJA	6/13
4. FRANKEL	CAS	6/13
5. O'NEIL	JO	6/14

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	X Signature
Coordination	Justify	

REMARKS

6. COATE

7. BARNES

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
HENRY ELSEN	Phone No. 2-1169

EO41-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

Director of Industrial Relations
Bill Kaikas -

letter sent to plant mgr.

Stanley L. Waldbaum →
(tort) (201) 227-9228.

1. Penalty amounts -

Jon Holm conversation w/ Hedgbeth
in February -

use violation ⇒

Jon felt that Mr. Hedgbeth was
not going to be pursued.

Small facility -

are struggling
net - 0
year to date

lot of managers - no one tied
together

now they have assigned

3'x3'

\$ 3000

→ submitted then

EPA (206) 442-1169

MEMORANDUM
OF CALL

Previous editions usable

TO:

Elsan



YOU WERE CALLED BY—



YOU WERE VISITED BY—

Stanley Waldbaum

OF (Organization)

House Council → in house
for division



PLEASE PHONE ►



FTS

☒ AUTOVON

201 227-9228



WILL CALL AGAIN



IS WAITING TO SEE YOU



RETURNED YOUR CALL



WISHES AN APPOINTMENT

MESSAGE

RE: A violation
Kai Ki's

↙

RECEIVED BY

[Signature]

DATE

5-24

TIME

10:36

63-110 NSN 7540-00-834-4018

★ U.S. G.P.O. 1964-529/414

STANDARD FORM 63 (Rev. 8-81)

Prescribed by GSA

FPMR (41 CFR) 101-11.6

9

William Kaikas
McGraw - Edison Co.
(purchased by Copper Ink)
941 Shathan Lane
Columbus, oh.
43221

\$

3,000.00

- use

500.00

1,000.00

cited in 82

and in '83 -
reminded

What have they done

Annual report

MEMORANDUM
OF CALL

Previous editions usable

To:

Elson

☒ YOU WERE CALLED BY-

☐ YOU WERE VISITED BY-

Bill LaRas

OF (Organization)

☒ PLEASE PHONE

☐ FTS

☐ AUTOVON

(b) (6)

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

RE: Alleged violation
Spokane

RECEIVED BY

Dane

DATE

5/29

TIME

8:15

63-110 NSN 7540-00-634-4018

U.S. G.P.O. 1984-421-529/414

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

① Quarterly inspections → why 2
level - 2 ③ perhaps
minor

3000

= 1,500

② Marking

level 5
minor

500

③ No reports

level 4
Minor

1,000

4,500

675

3,825

← 15% →

3,000

450

2,550

3 months
1985
gross -

1. Change in management
Policies not com. properly -
- their problem.

2.

1.

Thereafter continued -

Penalty matrix

(84)
3,584,000

+ income 79,000
(pre ad)

1984

(net
loss) - 120,000
in 84

1985

A. 1st quarter ⁸⁵
878,000
(-5,000)

2.

3 in

before sales/ad. cost
(6%)

McGraw Edison Service

4,500.00

3. Annual reports →

210,000 @ '81

70 mil.

1981

140

1,7
2,1

Telephone

mc -

wed, June 5

10:00 a.m.

(N.J.)

Gil's office

(399) 442-1094

1 p.m. - 3 p.m.

Henry Elsen →

(WA)

Leader - 8-475-8356

Participants - 475-8357
(202)

Teleconference call →

R1/FS -

~~not going to talk to~~
~~you~~

4% of gross
60

201 - 227 - 9228

✓ 614 - 459 - 1200

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7
8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 REGION 10
10 1200 Sixth Avenue
11 Seattle, Washington 98101

12 In the Matter of:)

Docket No. 1085-03-20-2615P

13 McGRAW EDISON SERVICE)
14 NATIONAL ELECTRIC COIL,)

GRANT OF EXTENSION OF TIME
TO SUBMIT ANSWER AND
REQUEST HEARING

15 Respondent.)
16

17 The filing date for Respondent's answer to the
18 Environmental Protection Agency's complaint in the above-referenced
19 matter (and any request for a hearing therein) is hereby extended
20 to July 15, 1985.

21 DATED this 30 day of May, 1985.
22
23

24 
25 D. HENRY ELSEN
26 Assistant Regional Counsel
27
28

1
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8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 REGION 10
10 1200 Sixth Avenue
11 Seattle, Washington 98101

12 In the Matter of:)

Docket No. 1085-03-20-2615P


13 McGRAW EDISON SERVICE)
14 NATIONAL ELECTRIC COIL,)

GRANT OF EXTENSION OF TIME
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15 Respondent.)
16

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18 Environmental Protection Agency's complaint in the above-referenced
19 matter (and any request for a hearing therein) is hereby extended
20 to July 15, 1985.

21 DATED this 30 day of May, 1985.
22

23
24 
25 D. HENRY ELSEN
26 Assistant Regional Counsel
27
28

sent
5/17/85

20 days
@ June 10

M/S 613

CERTIFIED MAIL - RETURNED RECEIPT REQUESTED

Jon Holm, Plant Manager
McGraw Edison Service
National Electric Coil
P.O. Box 3505 T.A.
Spokane, Washington 99220

Re: Docket No. 1085-03-20-2615P

Dear Mr. Holm:

Enclosed you will find a Complaint and Notice of Opportunity for Hearing and a copy of the Rules of Practice applicable to this proceeding. You are hereby advised to read this document carefully and communicate your answer within the time limit specified.

The Complaint alleges that your company, McGraw Edison Service, National Electric Coil, Spokane, Washington, violated quarterly inspection, marking, and records provisions of the PCB Regulations issued pursuant to the Toxic Substances Control Act. Accordingly, it is of considerable importance that you attend to this matter forthwith.

If you have any questions regarding this matter, contact D. Henry Elsen, Attorney, at the above address, Mail Stop 613, or telephone number (206) 442-1169.

Sincerely,

Gary L. O'Neal, Director
Air and Toxics Division

Enclosures

cc: Regional Hearing Clerk
D. Henry Elsen
John A. Foley, EPA Headquarters
Anita Frankel, Air and Toxics Division
William Hedgebeth, Air and Toxics Division

ELSEN

HEDGEBETH

HASELBERGER

FRANKEL

Previously concurred
through Frankel

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

MAY 08 1985

M/S 613

CERTIFIED MAIL - RETURNED RECEIPT REQUESTED

Jon Holm, Plant Manager
McGraw Edison Service
National Electric Coil
P.O. Box 3505 T.A.
Spokane, Washington 99220

Re: Docket No. 1085-03-20-2C15P

Dear Mr. Holm:

Enclosed you will find a Complaint and Notice of Opportunity for Hearing and a copy of the Rules of Practice applicable to this proceeding. You are hereby advised to read this document carefully and communicate your answer within the time limit specified.

The Complaint alleges that your company, McGraw Edison Service, National Electric Coil, Spokane, Washington, violated quarterly inspection, marking, and records provisions of the PCD Regulations issued pursuant to the Toxic Substances Control Act. Accordingly, it is of considerable importance that you attend to this matter forthwith.

If you have any questions regarding this matter, contact D. Henry Elsen, Attorney, at the above address, Mail Stop 613, or telephone number (206) 442-1169.

Sincerely,

Gary L. O'Neal, Director
Air and Toxics Division

Enclosures

cc: Regional Hearing Clerk
D. Henry Elsen
John A. Foley, EPA Headquarters
Anita Frankel, Air and Toxics Division
William Hedgesbeth, Air and Toxics Division

ELSEN

HEDGEBETH

HASSELBERGER

FRANKEL

CONCURRENCES

SYMBOL	HE	LM					
SURNAME							
DATE	5/1/85	5/1/89		5/3	5/3		

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

May 17, 1985



REPLY TO M/S 613
ATTN OF:

CERTIFIED MAIL - RETURNED RECEIPT REQUESTED

Jon Holm, Plant Manager
McGraw Edison Service
National Electric Coil
P.O. Box 3505 T.A.
Spokane, Washington 99220

Re: Docket No. 1085-03-20-2615P

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Enclosed you will find a Complaint and Notice of Opportunity for Hearing and a copy of the Rules of Practice applicable to this proceeding. You are hereby advised to read this document carefully and communicate your answer within the time limit specified.

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If you have any questions regarding this matter, contact D. Henry Elsen, Attorney, at the above address, Mail Stop 613, or telephone number (206) 442-1169.

Sincerely,

Gary L. O'Neal
Gary L. O'Neal, Director
Air and Toxics Division

Enclosures

cc: Regional Hearing Clerk
D. Henry Elsen
John A. Foley, EPA Headquarters
Anita Frankel, Air and Toxics Division
William Hedgebeth, Air and Toxics Division

1 On August 3, 1984, an EPA inspection was performed at McGraw Edison
2 Company (Inc.) Division Service, National Electric Coil, Spokane, Washington. The purpose of the
3 inspection was to determine compliance with the Toxic Substances Control Act
4 (TSCA) (15 U.S.C. §2601, et seq) and specifically the PCB regulations
5 pursuant to 40 C.F.R. Part 761. The inspection disclosed the following
6 violations:

7
8 I. Regulation - Quarterly Inspections

9
10 40 C.F.R. §761.30(a)(1) requires that owners of PCB Transformers
11 in use or stored for reuse:

- 12
13 a) visually inspect each PCB Transformer at least once
14 every three months;
15 b) record all leaks and conduct servicing within two
16 business days from the date a moderate leak is
17 observed; and
18 c) maintain records of the inspections and servicing
19 history.

20 The use of PCB Transformers and Capacitors, as outlined in 40
21 C.F.R. Part 761, is allowed only if the persons using that
22 equipment comply with these steps.

23 Violation One

24 There were no quarterly inspections performed of three PCB
25 Transformers in use by respondent during the quarter
26 April-June 1984.

1 II. Regulation - Marking

2
3 40 C.F.R. §761.40(a)(2) requires that all PCB Transformers be
4 marked in accordance with 40 C.F.R. §761.45. All marks must be
5 placed in a position on the exterior of the PCB Item so that they
6 can be easily read by any person inspecting or servicing the
7 marked PCB Item.

8
9 Violation Two

10
11 The three PCB Transformers at your facility were not marked
12 with the required six inch by six inch PCB label.

13 (Although the equipment did have three inch by three inch
14 labels, such smaller labels are only allowed if the
15 equipment is too small for the six inch by six inch label.

16 The transformers were of sufficient size as to readily
17 accept the larger label.)
18

19 III. Regulation - Records & Monitoring

20
21 40 C.F.R. §761.180(a) requires that, beginning July 2, 1978,
22 facilities using or storing at one time at least 45 kilograms
23 (99.4 pounds) of PCBs contained in PCB Container(s) or one or
24 more PCB Transformers or 50 or more PCB Large High or Low Voltage
25 Capacitors develop and maintain records on the disposition of the
26 PCBs and PCB Items. The records shall form the basis of an
27
28

annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
 - b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
 - c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

Violation Three

There were no Annual Reports for 1978-1983 at your facility. At the time of the EPA inspection, there were at least three PCB Transformers in service at your facility. In addition to information regarding these transformers, any 1982 Annual Report should include information regarding three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

1 GENERAL ALLEGATION REGARDING PRIOR VIOLATIONS

2 II.

3 This was the second violative TSCA PCB inspection performed by
4 EPA at National Electric Coil in Spokane, Washington. The firm was first
5 inspected on March 12, 1982. A "Notice of Warning" was issued on May 13,
6 1982, citing the following violations:

- 7 1. Records and Monitoring (No Annual Reports)
8 2. Marking (PCB Container, storage for disposal area not
9 marked).

10
11
12 PROPOSED CIVIL PENALTY

13 Section 16 of the Act, 15 U.S.C. §2615, and the regulations
14 promulgated thereunder, 40 C.F.R. §761, et seq., authorize a civil penalty of
15 up to \$25,000.00 per day for each violation of the Act. Based on the facts
16 given in Section I above, the nature, circumstances, extent and gravity of
17 the above-cited violations, as well as the respondent's ability to pay,
18 effect on ability to do business, history of prior violations, and degree of
19 culpability, the following penalties are hereby proposed:

20
21

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
22	1. 40 C.F.R. §761.30	Quarterly Inspections	\$3,000
23	2. 40 C.F.R. §761.40(a)	Marking	\$ 500
24	3. 40 C.F.R. §761.180(a)	Annual Reports	<u>\$1,000</u>
25		TOTAL	\$4,500

26 Payment of such penalty shall be by check made payable to the United
27 States Treasurer, remitted to the following:

28 COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING - 5

1 Environmental Protection Agency, Region 10
2 P.O. Box 360903M
Pittsburgh, Pennsylvania 45251

3 with a copy sent to:

4 Regional Hearing Clerk
5 Office of Regional Counsel
6 Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

7 III.

8 SETTLEMENT CONFERENCE

9 Whether or not you request a hearing, you may confer
10 informally with EPA concerning: (1) whether the alleged violations in fact
11 occurred as set forth in Section I above, or (2) the appropriateness of
12 the proposed penalty in relation to the size of business, the gravity of
13 the violation and the effect of the proposed penalty on your ability to
14 continue in business.

15 Although such informal conference concerning possible
16 settlement does not affect the requirement to file a timely answer, the
17 informal conference procedure may be pursued as an alternative to the
18 adjudicatory hearing procedure if you notify this office of your desire to
19 confer informally and if you schedule such conference prior to the
20 expiration of the 20-day period.

21 EPA encourages any party against whom a civil penalty is
22 proposed to be assessed to pursue the possibilities of settlement as a
23 result of informal conferences. Any such settlement reached as a result
24 of such informal conference shall be completed by the issuance of a
25 written consent agreement and final order by the Regional Administrator,
26 EPA, Region 10. The issuance of such a consent agreement shall constitute
27 a waiver of your right to request a hearing on any matter stipulated to
28 therein.

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING - 6

1 If you have not scheduled an informal settlement conference or
2 have not requested a hearing within the 20-day period allowed by this
3 notice, the above penalty may be imposed without further proceedings and
4 you will be so notified.

5 If you wish to explore the possibility of settlement in this
6 matter, please contact D. Henry Elsen, Attorney, at EPA, Office of
7 Regional Counsel, 1200 Sixth Avenue, M/S 613, Seattle, Washington 98101,
8 or by telephone at number (206) 442-1169.

9
10 IV.

11 OPPORTUNITY TO REQUEST A HEARING

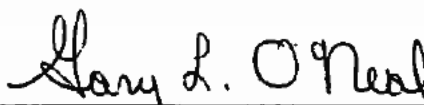
12 A copy of the Consolidated Rules of Practice governing the
13 administrative assessment of penalties under Section 14 of TSCA
14 accompanies this Complaint. As provided by these rules, you have the
15 right to request a hearing to contest any material fact set forth in the
16 Complaint, or the appropriateness of the proposed penalty, or to contend
17 that you are entitled to judgment as a matter of law. In the event that
18 you wish to request a hearing and to avoid being found in default and
19 having the above penalty assessed without further proceedings, it is
20 incumbent upon you to file a written answer to this Complaint with the
21 Region 10 Hearing Clerk, Office of Regional Counsel, EPA, 1200 Sixth
22 Avenue, M/S 613, Seattle, Washington 98101. This written answer must be
23 filed within twenty (20) days of your receipt of this Complaint.
24
25
26
27
28

1 Your answer should clearly and directly admit, deny or explain
2 each of the factual allegations contained in the Complaint about which you
3 have any knowledge. Said answer should contain: (1) a definitive
4 statement of the facts which constitute the grounds of defense, and (2) a
5 concise statement of the facts you intend to place at issue in the hearing.

6 If you fail to file a written request for a hearing or a
7 written answer within 20 days of receipt of this Complaint, such failure
8 shall constitute an admission of all the facts alleged in the Complaint
9 and a waiver of your right to a hearing under TSCA [15 U.S.C. §2615(a)].
10 A final order upon default will thereafter be issued by the Regional
11 Administrator and filed with the Region 10 Hearing Clerk, and the civil
12 penalty proposed herein shall be imposed without further proceedings.

13 Any such hearing that you request will likely be held at the
14 Region 10 office of EPA. Hearings held in the assessment of these civil
15 penalties will be conducted in accordance with the provisions of the
16 Administrative Procedure Act (5 U.S.C. §552, et seq.) and the Consolidated
17 Rules of Practice Governing the Administrative Assessment of Civil
18 Penalties and the Revocation or Suspension of Permits (40 C.F.R. Part 22,
19 45 Fed. Reg. 24,363).

20 DATED this 17th day of May, 1985.

21
22 
23 GARY L. O'NEAL, Director
24 Air and Toxics Division
25
26
27

1/31 - Hal - TRR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JAN 29 1985

SUBJECT: TSCA Referral for Administrative Civil Penalty: McGraw Edison Service,
National Electric Coil, Spokane, Washington

FROM:

Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch

TO:

James Moore, Regional Counsel

THRU: Gary L. O'Neal, Director
Air and Toxics Division

Gary L. O'Neal

On August 3, 1984, an EPA inspection was performed by Michael R. Hoyles at McGraw Edison Service, National Electric Coil, Spokane, Washington. The inspection was carried out to determine compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA).

During the inspection, the following violations of the regulations were noted:

Regulation - Quarterly Inspections

40 CFR 761.30(a)(1) requires that owners of PCB Transformers in use or stored for reuse:

- a) visually inspect each PCB Transformer at least once every three months;
- b) record all leaks and conduct servicing within two business days from the date a moderate leak is observed; and
- c) maintain records of the inspections and servicing history.

The use of PCB Transformers and Capacitors, as outlined in 40 CFR Part 761, is allowed only if the persons using that equipment comply with these steps. A reduced visual inspection is required annually if containment equaling 100% of the liquid volume in the transformer is present. -?

Violation

There were no quarterly inspections performed of the three PCB Transformers during the quarter April-June 1984.

Regulation - Marking

40 CFR 761.40(a)(2) requires that all PCB Transformers be marked in accordance with 40 CFR 761.45 unless the equipment is too small to accommodate the 6 X 6 inch PCB label. All marks must be placed in a position on the exterior of the PCB Item so that they can be easily read by any person inspecting or servicing the marked PCB Item.

RECEIVED
MAY 9 - 1985

OFFICE OF REGIONAL COUNSEL

RECEIVED
JAN 29 1985

OFFICE OF REGIONAL COUNSEL
EPA - REGION X

Violation

The three PCB Transformers at National Electric Coil were marked with three inch by three inch PCB labels but were not marked with the required six inch by six inch PCB label.

Regulation - Records & Monitoring

40 CFR 761.180(a) requires that facilities using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers or 50 or more PCB Large High or Low Voltage Capacitors develop and maintain records on the disposition of the PCBs and PCB Items beginning July 2, 1978. The records shall form the basis of an annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
- b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
- c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

Violation

There were no Annual Reports for 1978-1983 at National Electric Coil. At the time of the EPA inspection, there were three PCB Transformers in service at National Electric Coil. In addition to information regarding these transformers, the 1982 Annual Report should include information regarding the three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

3.

Compliance History

This is the second violative inspection performed at National Electric Coil in Spokane, Washington. The firm was first inspected on March 12, 1982. A "Notice of Warning" was issued on May 13, 1982, citing the following violations:

1. Records and Monitoring (there were no Annual Reports).
2. Marking (PCB Container, storage for disposal area not marked).

Request for Action

This assessment is being referred to you for consideration of enforcement action. An Administrative Civil Penalty appears to be in order because of the significance and repetition of violations. McGraw Edison Service, National Electric Coil was notified of the current violations at the time of the inspection and by certified letter dated JAN 29 1985. Attached is a Civil Penalty Assessment worksheet projecting the scheduled penalty for documented violations of TSCA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JAN 29 1985

SUBJECT: PCB Civil Penalty Assessment Compiled in Conjunction with Federal Register
Vol. 45, No. 177, September 10, 1980: McGraw Edison Service, National
Electric Coil, Spokane, Washington

FROM: Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch

TO: James Moore, Regional Counsel

THRU: Gary L. O'Neal, Director *Gary L. O'Neal*
Air and Toxics Division

I. Description of Current Alleged Violations

- A. Violation - Incomplete quarterly inspections (3 PCB Transformers - 20% reduction - unknown gallonage)
Level - Two
Extent - Minor
Penalty - \$3,000
- B. Violation - Marking - other than required label - (3 PCB Transformers - 20 % reduction - unknown gallonage)
Level - Five
Extent - Minor
Penalty - \$ 500
- C. Violation - No Annual Reports (at least 3 PCB Transformers - 20% reduction, unknown gallonage)
Level - Four
Extent - Minor
Penalty - \$1,000

II. Initial Penalty Assessment

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
1.	761.30	Quarterly Inspections	\$3,000
2.	761.40(a)	Marking	\$ 500
3.	761.180(a)	Annual Reports	\$1,000
		TOTAL	<u>\$4,500</u>

McGraw Edison Service
National Electric Coil
P.O. Box 3505
North 415 Fancher Road
Spokane, Washington 99220

August 3, 1984

Michael R. Hoyles
Environmental Protection Specialist

Compliance History:

- ✓ On March 12, 1982 an EPA inspection found no documentation of PCB contaminated waste oil located at the facility. Also neither the barrel containing this liquid nor the location of the barrel was properly labeled. Further, no annual reports were being maintained on PCB items. A "Notice of Warning" was sent by certified mail on May 13, 1982 outlining these deficiencies.

Pre-Inspection Conference:

I arrived at 10:30 a.m. and asked to see the individual responsible for PCB's. I was told that he, Jon Holm, was sick. I indicated I needed to see the records anyway and was directed to Shirley Dubuque in Purchasing. I presented my credentials and filled out a "Notice of Inspection" and gave her the front page. I also filled out, had her sign, and gave her the first page of the "TSCA Inspection Confidentiality Notice." I explained the purpose of my visit and asked to see her PCB records. She had correspondence files for 1982 and 1983. She also had some documents for 1984. - need copies

Record Review:

- * The only annual report as such is the "PCB Transformer Inspection Record" for each of the three PCB transformers in service. No identification such as brand name, serial number, voltage, or capacity were on the records. There are, however, National Electric Coil inventory numbers. The PCB concentration is recorded but no concentration of kilograms PCB is present. - does this qualify

All three units have been, according to the record, inspected each quarter, from the second quarter of 1981 to and including the first quarter in 1984 (March). None of the units have been inspected since March 1984. The month, day and year are indicated for inspections, except March 1984 when no day was recorded. Shirley indicated she has had a lot of medical problems and has missed a lot of work. She has reminders on her calendar for these inspections. Since she was not there, the inspector was not alerted to do it last quarter. - what record

Three PCB items were shipped to Chem-Security Systems, Incorporated on 6/10/82, consisting of two 55 gallon drums (total of 92 gallons of fluid) and a transformer casing. This includes the 134 ppm PCB's referenced in the "Notice of Warning". No reference other than the shipping manifest is in their files.

on May 13, 1982

*does this overcome
the presumption*

In 1983 a total of 11 items were sampled and the samples were sent to the company's lab in Franksville, Wisconsin for analysis. The results (received August 17, 1983) showed all the three units had less than 3 ppm, with 5 units less than 1 ppm. The three PCB items are the transformers still in service, According to the results these are 2300 V MTC transformers.

On January 30, 1984 a 55-gallon drum was shipped to Chem-Security Systems, Inc., containing 13 gallons of PCB from a transformer "discovered" on the company's property. The shipping manifest and disposal request are attached. Other records indicate this liquid had 80 ppm PCB. I asked about the casing and was told after the liquid had been drained it was steam cleaned and is now being used as a temporary storage vessel for non PCB oil. I asked how it was cleaned and Shirley thought a solvent was used to rinse prior to steam-cleaning and spent solvents went with the liquids to Arlington, Oregon.

Shirley brought to my attention a drastic difference in EPA sample testing results and that from a private testing facility. In the last inspection by EPA (Michael Watson - March 12, 1981) a PCB sample was taken and found to contain 134 ppm PCB by the EPA laboratories. The company also had the liquid tested and found it to be less than 3 ppm!! The lab results are attached. Shirley said that when the sample was taken by Michael Watson, no trichlorobenzene smell was evident to the owner, hence, he ordered his own testing. I was unable to determine if a split sample was used or not.

Inspection of Facility:

I asked to see the transformers and other PCB items on the property. The three PCB transformers are located on a wall about 15 feet above the floor. The PCB labels could be seen from the ground. I asked that a ladder be provided and climbed up to the units. No leaking was apparent. The PCB labels are not six inches on the side but three inches long and wide. Also, the manufacturer's identification plates are not on the units. I asked about that and Shirley said they have "always" been missing. They didn't know they were PCB's until they were tested in 1983.

*- but they do
have inventory
numbers.*

The units are sitting on girders, one of which is located under the drain valves of the units. No liquid or discoloration was evident on this girder. If there was a small drip from the valve it would land on the girder rather than fall to the floor below. Leaks from other locations on the transformers could drip directly to the floor below. I took two pictures that depict the three transformers.

Sample collection:

There were no samples taken during this inspection.

Closing Discussion:

I told Shirley they needed an annual report that gave the number of PCB items, the kilograms PCB, and references to the PCB's shipped off. I reviewed with her a "Notice of Warning" from EPA dated May 13, 1982, which delineated these requirements. I told her that if any of the three PCB units started to leak she should take the proper action. I left it to her to learn what that was.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 1

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 58,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 30,	1981	L. Martin	NO	
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Sept. 31,	1981	L. Martin	NO	
-----------	------	-----------	----	--

Dec. 31,	1981	L. Martin	NO	
----------	------	-----------	----	--

March 31,	1982	L. Martin	NO	
-----------	------	-----------	----	--

June 30,	1982	L. Martin	NO	
----------	------	-----------	----	--

Sept. 30,	1982	L. Martin	NO	
-----------	------	-----------	----	--

Dec. 31,	1982	L. Martin	NO	
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INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 1

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 58,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 198

Sept. 198

Dec. 198

March ~~30~~ 1983

L. Martin NO

June ~~30~~ 1983

L. Martin NO

Sept. ~~30~~ 1983

L. Martin NO

Dec. ~~30~~ 1983

L. Martin NO

INSPECTION PROCEDURE

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These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration _____ P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June	198			
------	-----	--	--	--

Sept.	198			
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Dec.	198			
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March	1984	<i>LM</i>	<i>NO</i>	
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June	1984			
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Sept.	1984			
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Dec.	1984			
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INSPECTION PROCEDURE

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 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #, UNIT # 2

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 46,900 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June 30,	1981	L Martin	NO	
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Sept 31,	1981	L Martin	NO	
----------	------	----------	----	--

Dec. 31,	1981	L Martin	NO	
----------	------	----------	----	--

March 31,	1982	L Martin	NO	
-----------	------	----------	----	--

June 30,	1982	L Martin	NO	
----------	------	----------	----	--

Sept 30,	1982	L Martin	NO	
----------	------	----------	----	--

Dec. 31,	1982	L Martin	NO	
----------	------	----------	----	--

INSPECTION PROCEDURE

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 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 2

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 46,900 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June 198

Sept. 198

Dec. 198

March 30, 1983 L Martin NO

June 30, 1983 L Martin NO

Sept. 30, 1983 L Martin NO

Dec. 30, 1983 L Martin NO

INSPECTION PROCEDURE

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 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June	198			
------	-----	--	--	--

Sept.	198			
-------	-----	--	--	--

Dec.	198			
------	-----	--	--	--

March	1984	<i>LM</i>	<i>NO</i>	
-------	------	-----------	-----------	--

June	1984			
------	------	--	--	--

Sept.	1984			
-------	------	--	--	--

Dec.	1984			
------	------	--	--	--

INSPECTION PROCEDURE

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 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 3

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration ^{90,100} P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 30,	1981	L. Martin	NO	
----------	------	-----------	----	--

Sept. 31,	1981	L. Martin	NO	
-----------	------	-----------	----	--

Dec. 31,	1981	L. Martin	NO	
----------	------	-----------	----	--

March 31,	1982	L. Martin	NO	
-----------	------	-----------	----	--

June 30,	1982	L. Martin	NO	
----------	------	-----------	----	--

Sept. 30,	1982	L. Martin	NO	
-----------	------	-----------	----	--

Dec. 31,	1982	L. Martin	NO	
----------	------	-----------	----	--

INSPECTION PROCEDURE

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 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposal of

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 3

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 90,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 198

Sept. 198

Dec. 198

March 30, 1983

L. Martin NO

June 30, 1983

L. Martin NO

Sept. 30, 1983

L. Martin NO

Dec. 30, 1983

L. Martin NO

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration - P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 198

Sept. 198

Dec. 198

March 1984

LM NO

June 1984

Sept. 1984

Dec. 1984

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer



UNIONVILLE 100 FACILITY
CHEM-SECURITY SYSTEMS, INC.
STAR ROUTE, ARLINGTON, OR. 97812
EPA ID NO. ORD. 08 945 2353

ARLINGTON (503) 454-2777
BELLEVUE (206) 827-0711

PORTLAND
VANCOU

GENERATOR

Aluminum. Generator Inc.

ORIGIN ADDRESS

4115 Fawcett Rd / Spokane, Wa. 99206

BILLING ADDRESS

PO Box 3505 TA / Spokane, Wa 99220

DOT REQUIRED INFORMATION

DEQ/EPA REQUIRED INFO

CONTAINER	QTY.	TYPE	HM	DOT PROPER SHIPPING NAME	HAZARD CLASS	HAZ. MAT ID NO.	WASTE DESCRIPTION
1	55 gal dr	✓	✓	Flammable Sol. Reproductive AG	ORM E	UN2001	Flammable Sol. Reproductive (139pp)
1	55 gal dr	✓	✓	Flammable Sol. Reproductive AG	ORM E	UN2001	Flammable Sol. Reproductive (139pp)
1	55 gal dr	✓	✓	Flammable Sol. Reproductive AG	ORM E	UN2001	Flammable Sol. Reproductive (139pp)

LABELING REQUIREMENTS

11/15/15

PLACARDING REQUIREMENTS

SPECIAL INSTRUCTIONS (HANDLING/EMERGENCY)

IN THE EVENT OF A SPILL, CONTACT EITHER OF THE CHEM-SECURITY SYSTEMS OFFICES AND/OR CONTACT IN THE UNITED STATES RESPONSE CENTER, U.S. COAST GUARD (800) 424-8802, OR CONTACT IN CANADA, TRANSPORT CANADA (613) 996-6866 FOR EMERGENCY procedures approved by the Oregon Department of Environment. This is to certify that the above named materials are properly protected for transportation according to the applicable regulations of the Protection Agency. Signed and dated by the authorized agent of the

SIGNER NAME (PLEASE PRINT)

Bill Lewis

SHIPPING DATE 6/10/15

ALTERNATE DESIGNATED T/S/D FACILITY (IF ANY)

ADDRESS

2

TRANSPORTER NO. 1

Aluminum Chemical

EPA ID NO. 61AD025665363

3

ADDRESS

Aluminum Chemical

PHONE 435-2195

TRANSPORTER SIGNATURE

[Signature]

DATE 6-10-15

TRANSPORTER NO. 2

[Signature]

EPA ID NO.

ADDRESS

[Signature]

PHONE

TRANSPORTER SIGNATURE

[Signature]

DATE

TRANSPORTER NO. 3

[Signature]

EPA ID NO.

ADDRESS

[Signature]

PHONE

TRANSPORTER SIGNATURE

[Signature]

DATE

T/S/D RETURNS TO GENERATOR

RECEIVED
AUG 17 1983

National Electric Coil
P.O. Box 3505 T.A.
N. 415 Fancher Road
Spokane, WA 99220
Att'n: John Holm

Thomas A. Edison Technical Center
McGraw-Edison Company
11131 Adams Road
Post Office Box 100
Franksville, WI 53126
414 835 2921

August 10, 1983

REFERENCE: PCB in Oil Analysis
ML 7-83-52

<u>Sample</u>	<u>1242 ppm</u>	<u>1254 ppm</u>	<u>1260 ppm</u>	<u>Total ppm</u>
#1: 1;2300 V MTC	--	--	58,100	58,100 (5.81%)
#2: 75VK022003	--	--	Less Than 3	Less Than 3
#3: 2300 V MTC	--	--	46,900	46,900 (4.69%)
#4: Job #16578	--	--	Less Than 3	Less Than 3
#5: 3-3756-01936-29	--	--	--	--
#6: 80 VH016009	--	--	--	--
#7: 7309-601-3248	--	--	--	--
#8: 2300 V MTC	--	--	90,100	90,100 (9.01%)
#9: Serial #6177	--	--	Less Than 3	Less Than 3
#10: 76VJ002001	--	--	--	--
#11: Oil Filter; 8/1/83	--	--	--	--

- denotes less than the detection limit of 1 ppm.

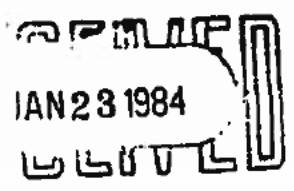
* Results phoned to ~~St. Mary's Dubuque~~ on August 8, 1983
as requested.

Analysts: G. C. Smith/R. A. Harthun

Approved By: R. M. Frey

cc: G. Gauger

bc/216M



PORTLAND (503) 22
VANCOUVER, B.C. 1

ARLINGTON (503) 454-2777
BELLEVUE (206) 827-0711



CHEMICAL TRANSPORTATION MANIFEST
DESIGNATED TSD FACILITY
CHEM-SECURITY SYSTEMS, INC.
STAR ROUTE, ARLINGTON, OR. 97812
EPA ID NO. OMD, 08-945-2353

1
GENERATOR MC GRAM-EDISON SERVICE National Electric Coil
ORIGIN ADDRESS N. 415 Fancher Road SPOKANE, WA 99220
BILLING ADDRESS P.O. BOX 3505 TA SPOKANE, WA 99220
DOT REQUIRED INFORMATION

CONTAINER	HM	DOT PROPER SHIPPING NAME	HAZARD CLASS	HAZ MAT ID NO.	WASTE DESCRIPTION	PHYSICAL STATE
QTY. TYPE						
1 55 gal. drum	X	Polychlorinated Biphenyl	ORM E	UN2315	1-55 gal size drum containing gallons of Polychlorinated Biphenol contaminated liquid (greater than 50 ppm and less than 500 ppm) XXXXXX Aroclor 1242-Aroclor 1260	liquid

LABELING REQUIREMENTS PCB ML, ORM-E **IF SPLITTED, PREVENT FROM ENTERING WATERWAY, AVOID SKIN CONTACT.**
SPECIAL INSTRUCTIONS (HANDLING/EMERGENCY) IF SPLITTED, PREVENT FROM ENTERING WATERWAY, AVOID SKIN CONTACT.
PLACARDING REQUIREMENTS PCB ML
SHIPPING DATE 1/30/84
SHIPPING DATE 1/30/84
SHIPPER NAME (PLEASE PRINT) Jet Bolm
SHIPPER SIGNATURE [Signature]
GENERATOR SIGNATURE [Signature]
TRANSPORTER NO. 1 11463
DATE 1-30-84
PHONE 928-0193
EPA ID NO. 056053881
ADDRESS INTERMEDIATE FACILITY
SIGNATURE [Signature]
CSST USE ONLY
BILL OF LADING NO.
SECTION

Service Grc

011 - 7372

McGraw-Edison Company
National Electric Coil
North 415 Fancher Road
P.O. Box 3505 T.A.
Spokane, Washington 99220
(509) 535-8751

Tax Certif. No. 409-019-844

Ship To: (Same as above unless noted below)

To: MC GRAM EDISON
POWER SYSTEMS GROUP
FRANKSVILLE, WI

ORDER DATE	DATE REQUIRED	TERMS	TAX STATUS		F.O.B.		FREIGHT TERMS			SHIP VIA	
			TAXABLE	NON TAX	DESTN	SP	PLT/PACK ADD'N	COLLECT	DELIVERED		
7/23/82	7/23/82		X	NE							
VENDOR CODE		REQUISITION NUMBER		MARKINGS			FILE INSTRUCTIONS			CONFIRMING	
							Gary /Shirley			YES	NO
										XX	

i.	1	ea.	oil sample to be tested for PCB content	40.00	ea. 11-20-8
----	---	-----	---	-------	-------------

ACKNOWLEDGMENT

COMPLETE THIS ACKNOWLEDGMENT COPY AND RETURN

ALL STUDY



COMPLETE

PARTIAL

U* (LATE)

EXPIRATION DATE, WILL BE SHIPPED (DATE)

— 2 —

402

15.0.11

TERMS

CONTACT (NAME)

FOR ADDITIONAL PHONE
INFORMATION AREA

PHONE
AREA

ADDRESS

EMARKS

SIGNATURE

DATE _____

McGraw-Edison

Power Systems Group
 McGraw-Edison Company
 General Office: Post Office Box 2850, Pittsburgh, PA 15230

S.O. NON
 DATE 6/22/82

SEE FURTHER TERMS AND
 CONDITIONS ON REVERSE SIDE

DEBIT

MEMO NO. MWD-07552
 MEMO DATE 07/14/82

THIS ADJUSTMENT APPLIES TO

INVOICE NO. NONE
 INVOICE DATE
 DATE SHIPPED

PLEASE MAKE CHECK PAYABLE TO:
 McGRAW-EDISON COMPANY
 POWER SYSTEMS GROUP
 AND REMIT TO:

P O BOX 44147
 SAN FRANCISCO CA94144

SOLD TO D 5000BC
 NATIONAL ELECTRIC COIL
 ATTN MS SHIRLEY DUBUQUE
 P O BOX 3505 TA
 SPOKANE WA 99220

SHIP TO 46156
 NATIONAL ELECTRIC COIL
 ATTN MS SHIRLEY DUBUQUE
 P O BOX 3505 TA
 SPOKANE WA 99220

FIELD COPIES

R FREY D MCSTRACK
 C BLAKELY

G GAUGER

R CIZMOWSKI

CUSTOMER ORDER	CUST. ORD. DATE	REQUISITION	MARK PACKAGES	FOB CODE	VIA CODE	PPD/COL.
QUOTATION NO.	INVOICE COPIES 3	BRANCH NAME FRANKSVILLE		BRANCH NO.		
CATALOG NO.	DESCRIPTION		QTY. ORDERED	UNSHIPPED BAL.	QTY. SHIPPED	UNIT PRICE*
						AMOUNT

ONE UNKNOWN OIL SAMPLE FOR PCB ANALYSIS
 REPORT (ML 7-82-79) SENT TO SHIRLEY DUBUQUE

1 SAMPLE @ \$40.00/SAMPLE = \$ 40.00

Copy

ACCEPTED
 JUL 19 1982

NET DEBIT \$40.00

1=SHIP POINT CTA 2=SHIPPING POINT 3=OTHER 4=ORD. & MAN. CHG.	VIA CODE	1=MOTOR FRY. 3=YOUR TRUCK 2=U.P.S. 6=RAIL 3=PAR. POST 7=OTHER 4=OUR TRUCK	TERMS: NET 30 DAYS	*UNLESS OTHERWISE INDICATED PRICE IS PER EACH
---	----------	--	-----------------------	---

cc: G. A. Gauger

/ac/5871

cc: Bill Lewis

McGraw-Edison

RECEIVED
JUN 24 1982

National Electric Coil
P. O. Box 3505 TA
Spokane, Washington 99220
Attn: Ms. Shirley Dubuque

Thomas A. Edison Technical Center
McGraw-Edison Company
11131 Adams Road
Post Office Box 100
Franksville, WI 53126

414 835 2921

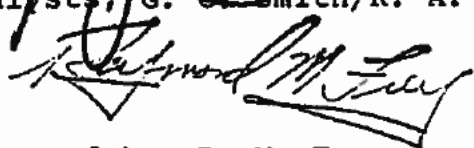
June 17, 1982

Re: PCB in Oil Analysis
ML 7-82-79

<u>Sample</u>	<u>1242</u> <u>ppm</u>	<u>1254</u> <u>ppm</u>	<u>1260</u> <u>ppm</u>	<u>Total</u> <u>ppm</u>
"Unknown Oil"	less than 3	-	-	less than 3

- denotes less than the detection limit of 1 ppm


Analysts, G. C. Smith/R. A. Harthun


Approved by: R. M. Frey

cc: G. A. Gauger

/ac/5871

CC: Bill Lewis

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:

M/S 613

CERTIFIED MAIL - RETURNED RECEIPT REQUESTED

Jon Holm, Plant Manager
McGraw Edison Service
National Electric Coil
P.O. Box 3505 T.A.
Spokane, Washington 99220

Re: Docket No. _____

Dear Mr. Holm:

Enclosed you will find a Complaint and Notice of Opportunity for Hearing and a copy of the Rules of Practice applicable to this proceeding. You are hereby advised to read this document carefully and communicate your answer within the time limit specified.

The Complaint alleges that your company, McGraw Edison Service, National Electric Coil, Spokane, Washington, violated quarterly inspection, marking, and records provisions of the PCB Regulations issued pursuant to the Toxic Substances Control Act. Accordingly, it is of considerable importance that you attend to this matter forthwith.

If you have any questions regarding this matter, contact Theodore R. Rogowski, Attorney, at the above address, Mail Stop 613, or telephone number (206) 442-1506.

Sincerely,

Gary L. O'Neal, Director
Air and Toxics Division

Enclosures

cc: Regional Hearing Clerk
Theodore R. Rogowski
John A. Foley, EPA Headquarters
Anita Frankel, Air and Toxics Division
William Hedgebeth, Air and Toxics Division

DRAFT

1799i

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE REGIONAL ADMINISTRATOR
Region 10
Seattle, Washington

In the Matter of

MC GRAW EDISON SERVICE
NATIONAL ELECTRIC COIL,
Respondent.

DOCKET NO. 1085-03-20-2015P

COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING

I.

COMPLAINT

This is an administrative action instituted pursuant to Section 16(a) of the Toxic Substances Control Act [15 U.S.C. §2615(a)], hereinafter "the Act," for the assessment of a civil penalty and negotiation of a Consent Agreement and Final Order prescribing a corrective control program. The complainant is Region 10, United States Environmental Protection Agency, hereinafter "EPA." Complainant has reason to believe that the above-named respondent has violated Federal regulations addressing the use and/or disposal of polychlorinated biphenyls (PCBs) (40 C.F.R. Part 761 promulgated under Section 6 of the Act), and thereby has violated Section 15 of the Act, 15 U.S.C. §2614.

On August 3, 1984, an EPA inspection was performed at McGraw Edison Service, National Electric Coil, Spokane, Washington. The purpose of the inspection was to determine compliance with the Toxic Substances Control Act (TSCA) (15 U.S.C. §2601, et seq) and specifically the PCB regulations

pursuant to 40 C.F.R. Part 761. The inspection disclosed the following violations:

I. Regulation - Quarterly Inspections

40 C.F.R. §761.30(a)(1) requires that owners of PCB Transformers in use or stored for reuse:

- a) visually inspect each PCB Transformer at least once every three months;
- b) record all leaks and conduct servicing within two business days from the date a moderate leak is observed; and
- c) maintain records of the inspections and servicing history.

The use of PCB Transformers and Capacitors, as outlined in 40 C.F.R. Part 761, is allowed only if the persons using that equipment comply with these steps. A reduced visual inspection is allowed annually if containment equaling 100% of the liquid volume in the transformer is present.

Violation One

There were no quarterly inspections performed of the three PCB Transformers during the quarter April-June 1984.

II. Regulation - Marking

40 C.F.R. §761.40(a)(2) requires that all PCB Transformers be marked in accordance with 40 C.F.R. §761.45. All marks must be placed in a position on the exterior of the PCB Item so that they can be easily read by any person inspecting or servicing the marked PCB Item.

Violation Two

The three PCB Transformers at your facility were not marked with the required six inch by six inch PCB label.

(Although the equipment did have three inch by three inch labels, such smaller labels are only allowed if the equipment is too small for the six inch by six inch label.

The transformers were of sufficient size as to readily accept the larger label.)

III. Regulation - Records & Monitoring

40 C.F.R. §761.180(a) requires that, beginning July 2, 1978, facilities using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers or 50 or more PCB Large High or Low Voltage Capacitors develop and maintain records on the disposition of the PCBs and PCB Items. The records shall form the basis of an

annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
 - b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
 - c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

Violation Three

There were no Annual Reports for 1978-1983 at your facility. At the time of the EPA inspection, there were three PCB Transformers in service at your facility. In addition to information regarding these transformers, the 1982 Annual Report should include information regarding the three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

GENERAL ALLEGATION REGARDING PRIOR VIOLATIONS

II.

This was the second violative TSCA PCB inspection performed by EPA at National Electric Coil in Spokane, Washington. The firm was first inspected on March 12, 1982. A "Notice of Warning" was issued on May 13, 1982, citing the following violations:

1. Records and Monitoring (No Annual Reports)
2. Marking (PCB Container, storage for disposal area not marked).

PROPOSED CIVIL PENALTY

Section 16 of the Act, 15 U.S.C. §2615, and the regulations promulgated thereunder, 40 C.F.R. §761, et seq., authorize a civil penalty of up to \$25,000.00 per day for each violation of the Act. Based on the facts given in Section I above, the nature, circumstances, extent and gravity of the above-cited violations, as well as the respondent's ability to pay, effect on ability to do business, history of prior violations, and degree of culpability, the following penalties are hereby proposed:

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
1.	40 C.F.R. §761.30	Quarterly Inspections	\$3,000
2.	40 C.F.R. §761.40(a)	Marking	\$ 500
3.	40 C.F.R. §761.180(a)	Annual Reports	<u>\$1,000</u>
		TOTAL	\$4,500

Payment of such penalty or an agreed compromise amount shall be by check made payable to the United States Treasurer, remitted to the following:

Environmental Protection Agency, Region 10
P.O. Box 360903M
Pittsburgh, Pennsylvania 45251

with a copy sent to:

Regional Hearing Clerk
Office of Regional Counsel
Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

III.

SETTLEMENT CONFERENCE

Whether or not you request a hearing, you may confer informally with EPA concerning: (1) whether the alleged violations in fact occurred as set forth in Section I above, or (2) the appropriateness of the proposed penalty in relation to the size of business, the gravity of the violation and the effect of the proposed penalty on your ability to continue in business.

Although such informal conference concerning possible settlement does not affect the requirement to file a timely answer, the informal conference procedure may be pursued as an alternative to the adjudicatory hearing procedure if you notify this office of your desire to confer informally and if you schedule such conference prior to the expiration of the 20-day period.

EPA encourages any party against whom a civil penalty is proposed to be assessed to pursue the possibilities of settlement as a result of informal conferences. Any such settlement reached as a result of such informal conference shall be completed by the issuance of a written consent agreement and final order by the Regional Administrator, EPA, Region 10. The issuance of such a consent agreement shall constitute a waiver of your right to request a hearing on any matter stipulated to therein.

If you have not scheduled an informal settlement conference or have not requested a hearing within the 20-day period allowed by this notice, the above penalty may be imposed without further proceedings and you will be so notified.

X
/ If you wish to explore the possibility of settlement in this matter, please contact ^{D. Henry E. ...} ~~Theodore R.~~ Rogowski, Attorney, at EPA, Office of Regional Counsel, 1200 Sixth Avenue, M/S 613, Seattle, Washington 98101, or by telephone at number (206) 442-1506.

IV.

OPPORTUNITY TO REQUEST A HEARING

A copy of the Consolidated Rules of Practice governing the administrative assessment of penalties under Section 14 of TSCA accompanies this Complaint. As provided by these rules, you have the right to request a hearing to contest any material fact set forth in the Complaint, or the appropriateness of the proposed penalty, or to contend

that you are entitled to judgment as a matter of law. In the event that you wish to request a hearing and to avoid being found in default and having the above penalty assessed without further proceedings, it is incumbent upon you to file a written answer to this Complaint with the Region 10 Hearing Clerk, Office of Regional Counsel, EPA, 1200 Sixth Avenue, M/S 613, Seattle, Washington 98101. This written answer must be filed within twenty (20) days of your receipt of this Complaint. Your answer should clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint about which you have any knowledge. Said answer should contain: (1) a definitive statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts you intend to place at issue in the hearing.

If you fail to file a written request for a hearing or a written answer within 20 days of receipt of this Complaint, such failure shall constitute an admission of all the facts alleged in the Complaint and a waiver of your right to a hearing under TSCA [15 U.S.C. §2615(a)]. A final order upon default will thereafter be issued by the Regional Administrator and filed with the Region 10 Hearing Clerk, and the civil penalty proposed herein shall be imposed without further proceedings.

Any such hearing that you request will likely be held at the Region 10 office of EPA. Hearings held in the assessment of these civil penalties will be conducted in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. §552, et seq.) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 C.F.R. Part 22, 45 Fed. Reg. 24,363).

DATED this _____ day of _____, 1983.

GARY L. O'NEAL, Director
Air and Toxics Division

1/31 - Val - TRR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JAN 29 1985

SUBJECT: TSCA Referral for Administrative Civil Penalty: McGraw Edison Service,
National Electric Coil, Spokane, Washington

FROM: Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch

TO: James Moore, Regional Counsel

THRU: Gary L. O'Neal, Director
Air and Toxics Division

Gary L. O'Neal

On August 3, 1984, an EPA inspection was performed by Michael R. Hoyles at McGraw Edison Service, National Electric Coil, Spokane, Washington. The inspection was carried out to determine compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA).

During the inspection, the following violations of the regulations were noted:

Regulation - Quarterly Inspections

40 CFR 761.30(a)(1) requires that owners of PCB Transformers in use or stored for reuse:

- a) visually inspect each PCB Transformer at least once every three months;
- b) record all leaks and conduct servicing within two business days from the date a moderate leak is observed; and
- c) maintain records of the inspections and servicing history.

The use of PCB Transformers and Capacitors, as outlined in 40 CFR Part 761, is allowed only if the persons using that equipment comply with these steps. A reduced visual inspection is required annually if containment equaling 100% of the liquid volume in the transformer is present.

Violation

There were no quarterly inspections performed of the three PCB Transformers during the quarter April-June 1984:

Regulation - Marking

40 CFR 761.40(a)(2) requires that all PCB Transformers be marked in accordance with 40 CFR 761.45 unless the equipment is too small to accommodate the 6 X 6 inch PCB label. All marks must be placed in a position on the exterior of the PCB Item so that they can be easily read by any person inspecting or servicing the marked PCB Item.

RECEIVED
JAN 29 1985

Violation

The three PCB Transformers at National Electric Coil were marked with three inch by three inch PCB labels but were not marked with the required six inch by six inch PCB label.

Regulation - Records & Monitoring

40 CFR 761.180(a) requires that facilities using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers or 50 or more PCB Large High or Low Voltage Capacitors develop and maintain records on the disposition of the PCBs and PCB Items beginning July 2, 1978. The records shall form the basis of an annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
- b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
- c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

Violation

There were no Annual Reports for 1978-1983 at National Electric Coil. At the time of the EPA inspection, there were three PCB Transformers in service at National Electric Coil. In addition to information regarding these transformers, the 1982 Annual Report should include information regarding the three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

Compliance History

This is the second violative inspection performed at National Electric Coil in Spokane, Washington. The firm was first inspected on March 12, 1982. A "Notice of Warning" was issued on May 13, 1982, citing the following violations:

1. Records and Monitoring (there were no Annual Reports).
2. Marking (PCB Container, storage for disposal area not marked).

Request for Action

This assessment is being referred to you for consideration of enforcement action. An Administrative Civil Penalty appears to be in order because of the significance and repetition of violations. McGraw Edison Service, National Electric Coil was notified of the current violations at the time of the inspection and by certified letter dated JAN 29 1985. Attached is a Civil Penalty Assessment worksheet projecting the scheduled penalty for documented violations of TSCA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JAN 29 1985

SUBJECT: PCB Civil Penalty Assessment Compiled in Conjunction with Federal Register
Vol. 45, No. 177, September 10, 1980: McGraw Edison Service, National
Electric Coil, Spokane, Washington

FROM: Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch

TO: James Moore, Regional Counsel

THRU: Gary L. O'Neal, Director *Gary L. O'Neal*
Air and Toxics Division

I. Description of Current Alleged Violations

- A. Violation - Incomplete quarterly inspections (3 PCB Transformers - 20% reduction - unknown gallonage)
Level - Two - ~~Three?~~
Extent - Minor
Penalty - \$3,000
- B. Violation - Marking - other than required label - (3 PCB Transformers - 20 % reduction - unknown gallonage)
Level - Five
Extent - Minor
Penalty - \$ 500
- C. Violation - No Annual Reports (at least 3 PCB Transformers - 20% reduction, unknown gallonage)
Level - Four
Extent - Minor
Penalty - \$1,000

II. Initial Penalty Assessment

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
1.	761.30	Quarterly Inspections	\$3,000
2.	761.40(a)	Marking	\$ 500
3.	761.180(a)	Annual Reports	\$1,000
		TOTAL	<u>\$4,500</u>

INITIAL NOTES

- 11/16/85

ETSON

Need more facts

1. Inspection - Hoyle - 8/3/84

2. Found no annual reports, per 30(a)(1)

? - 3 How do we know they had Trans. or Capacitors
#3 in use - their test shows there have 3 ppm, but there is no manufacturer label

Violations -

no reports of quarterly inspection
April - June, 84

no application of 30(a)(1) -
(v)(3) because no service for purposes of reducing

1. Found only 3x3 labels

2. Can only reduce if too small for 6x6

3 - did he measure; how do we know they were transformers

4 Violation - 761.40(a)(2)

Annual report for trans

3 in service

some shipping in '82 of items

761.100(a)

date of reg

No for 78 - 83

only implemented in '82

82/83 is only report we can require

Any determination as to "size of business" when determining penalty. - ability to pay

Notice to party

Atty: ~~Rogowski~~ ^{Elsen}

[illegible]

TSCA PCB Case Violations

INITIAL ENFORCEMENT ACTION FORM

DOCUMENT NO. (optional)

(Company Name)

FIFRA AND TSCA ENFORCEMENT SYSTEM

1. Case Number

10-85-0320

2. Action Initiation Date

5/17/85

MM/DD/YY

(Date stamped on letter)

3. Legislation

F (T)

(circle one)

8. Transaction Type

___ New

___ Update/Change

___ Error Correction

Error Trans. No.

4. Case Type (circle one)

AM (C) CR VR

5. Region or State

10

(6-11) Violation Codes (enter as many as applicable)

6P_L, 6P_R, 6P_V, 6P₋

12. Proposed Assessment

\$4500

13. Final Assessment

\$3825

RESPONSIBLE PARTY

14. Code

DIMS U

15. Name

McGraw Edison Service Net. Electric

Coil

20. Duns Number or MISC

06-402-9168

16. Street

North 415 Fancher Rd

21. Company Number

17. City

Spokane

18. State

WA

19. Zip

99220

ENFORCEMENT ACTIONS

CASE MILESTONE DATA

Action	Code	Date	Milestone	Code	Date
Complaint	ACO	5/17/85	CCL	CCL	7/25/85
Order	ACA	6/20/85			1/1
		1/1			1/1

SAMPLE CITATION (Cite by Inspection or Sample Number)

Sample/Inspection No.	Date		Date
A. 840803-03122-01-0	1/1	D.	1/1
B.	1/1	E.	1/1
C.	1/1	F.	1/1

Prepared By

Date

Page ____ of ____

✓ 10/15/87 Fades 10/17/87

10/17/87

Case Type

AH - Admin. Hearing
C - Civil

CR - Criminal

WR - Warning

TSCA VIOLATION CODES FOR ACTIVITY

Violation Codes

CODE

MEANING

TSCA VIOLATION CODES FOR SUBSTANCE

CODE	MEANING	CODE	MEANING
S	NOT SPECIFIED	S	NOT SPECIFIED
A	ASBESTOS	A	ANALYSIS
C	SUBJ. TO 8(C) RULE	C	CONDUCT AND PROTOCOL OF STUDY AT TEST FACILITY
D	DIOXIN	D	DISTRIBUTION IN COMMERCE
E	SUBJ. TO 5(E) ORDER	E	EQUIP. MAINT. AND CALIBR. WITHIN TEST FACILITY
F	SUBJ. TO 5(F) ORDER	F	TESTING FACILITY DESIGN REQUIREMENTS
H	HUMAN HLTH EFF TEST BY SEC 4	I	IMPORTATION
J	SUBJ. TO 8(D) RULE	J	FALSIFICATION OF RECORD
L	SUBJ. TO 8(A) LEV A	K	FAILURE TO MAINTAIN RECORDS
N	NEW CHEMICAL SUBSTANCE	L	LABEL OR MARK
P	PCB	M	MANUFACTURE
S	SUBJ. TO 8(E)	O	ORGANIZATION AND PERSONNEL OF TEST FACILITY
T	SUBJ. TO TEST MKT EXEMPTION	P	PROCESS
U	SUBJ. TO SEC 5(A) RULE	Q	FALSIFICATION OF REPORTS
V	SEC 4 ENV. EFFECTS TEST	R	FAILURE TO REPORT, NOTIFY OR INFORM
		S	STORE
		T	TEST FACILITY OPERATION
		U	USE - <i>Informal Referrals</i>
		V	INSPECT
		W	SAMPLE
		Z	DISPOSE - <i>Prohibitions</i>

Responsible Party Code

D - Distributor

I - Importer

M - manufacturer U - User

S - Shipper

TSCA Enforcement Action Codes

- ACO - Administrative Complaint - Administrative Civil Complaint issued pursuant to Section 16(a) of TSCA.
- ACA - Consent Agreement and Final Order - Issued as a result of an Administrative Civil Complaint filed under Section 16(a) of TSCA.
- AID - Initial Decision - Decision made by an administrative law judge following a hearing conducted under Section 16(a) of TSCA.
- AFD - Final Decision - Result of an appeal to the Administrator of an initial decision under Section 15(a) of TSCA.
- CAC - Civil Action Referred to the Department of Justice - Any TSCA referral for civil action in a United States district court.
- NON - Notice of Noncompliance - Notice issued for violations of Section 15 of TSCA.
- CRA - Criminal Action Referred to the Department of Justice - Any referral for criminal action taken under Section 16(b) of TSCA.

TSCA Case Milestone Codes

- CCL - Case Closed - Used to designate completion of referred civil and criminal actions.
- OEC - Other Enforcement Correspondence - Informal correspondence (such as a Notice of Intent) that does not constitute an enforcement action.

ROUTING AND TRANSMITTAL

Date

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. ~~Ted Rogowski mts 6/13~~

2. Henry Elson

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

*congratulations!
Ted*

RECEIVED

JUL 24 1985

OFFICE OF REGIONAL COUNSEL
EPA REGION X

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Finn

Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

U.S. GOVERNMENT PRINTING OFFICE : 1984 O - 411-986 (346)

07-22-85

(b) (6)

McGraw-Hill 2000-615289

06-49
531



Mellon
Bank

Pay	Date	Check No.	Amount
	7/2/85	615289	\$3,825.00*

*THREE THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS AND 00/100 CENTS

To the order of

United States Treasurer

McGraw-Hill Service
Division of McGraw-Hill Company
P.O. Box 21796
Columbus, Ohio 43221

Sina Kelly

Wachovia Bank & Trust Company, N.A.
Winston-Salem, NC 27102

(b) (6)

National Electric Coil/Worthington Service

CERTIFIED MAIL 5186157
RETURN RECEIPT REQUESTED

 **McGRAW-EDISON**
Service

**NATIONAL ELECTRIC COIL
WORTHINGTON SERVICE**

Environmental Protection Agency, Region 10
Regional Hearing Clerk
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

Service Group
McGraw-Edison Company
941 Chatham Lane
Post Office Box 21396
Columbus, OH 43221

July 15, 1985

814 459 1200
TWX 810 482 1634

Docket No. 1085-03-20-2615P

Dear Sir:

In compliance with the order dated June 20, 1985, enclosed please find McGraw-Edison Service's check in the amount of \$3,825.00 constituting payment in full of the stipulated penalty.

Very truly yours,



William Kaikis, Director
Industrial Relations

WK:jh

enc.

cc: Regional Hearing Clerk
Office of Regional Counsel
Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

J. Holm, Spokane
S. Waldbaum

Voucher	Invoice	Purch.	Jar	Invoice Date	Amount	Discount	Net Amount
	Settlement of EPA complaint			7/1/85	\$3,825.00		\$3,825.00

McGraw-Edison Service
Division of McGraw-Edison Company
P.O. Box 21386
Columbus, Ohio 43221

National Electric Coil
Washington Service

953



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

July 25, 1985

REPLY TO
ATTN OF:

Mail Stop 613

Stanley L. Waldbaum, Esq.
Divisional Counsel
McGraw Edison Service Division
McGraw Edison Company
333 Route 46 West
Fairfield, New Jersey 07006

Re: PCB Complaint at Spokane Facility
Docket No. 1085-03-20-2615P

Dear Mr. Waldbaum:

I have been notified that your obligations under a Consent Agreement and Final Order in the above-referenced case, (Order dated June 20, 1985), were completed in a timely fashion. Accordingly, I will arrange for this matter to be closed.

Sincerely,

[Signature]
D. Henry Elsen
Assistant Regional Counsel

cc: William Kaikas, Director
Industrial Relations
McGraw Edison Company
941 Shathan Lane
Columbus, Ohio 43221

July 25, 1985

Mail Stop 613

Stanley L. Waldbaum, Esq.
Divisional Counsel
McGraw Edison Service Division
McGraw Edison Company
333 Route 46 West
Fairfield, New Jersey 07006

Re: PCB Complaint at Spokane Facility
Docket No. 1085-03-20-2615P

Dear Mr. Waldbaum:

I have been notified that your obligations under a Consent Agreement and Final Order in the above-referenced case, (Order dated June 20, 1985), were completed in a timely fashion. Accordingly, I will arrange for this matter to be closed.

Sincerely,

D. Henry Elsen
Assistant Regional Counsel

cc: William Kaikas, Director
Industrial Relations
McGraw Edison Company
941 Shathan Lane
Columbus, Ohio 43221

bcc: Bill Hedgebeth

ELSEN:ps:7-24-85 (#1-22)

CERTIFIED MAIL 518615
RETURN RECEIPT REQUESTED

RECEIVED
JUL 19 1985

HEARING CLERK
EPA-REGION X

NATIONAL ELECTRIC COIL
WORTHINGTON SERVICE

Environmental Protection Agency, Region 10
Regional Hearing Clerk
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

Service Group
McGraw-Edison Company
941 Chatham Lane
Post Office Box 21356
Columbus, OH 43221

July 15, 1985

614 459 1200
TWX 810 482 1634

Docket No. 1085-03-20-2615P

Dear Sir:

In compliance with the order dated June 20, 1985, enclosed please find McGraw-Edison Service's check in the amount of \$3,825.00 constituting payment in full of the stipulated penalty.

Very truly yours,

William Kaikis

William Kaikis, Director
Industrial Relations

WK:jh

enc.

cc: Regional Hearing Clerk
Office of Regional Counsel
Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

J. Holm, Spokane
S. Waldbaum

RECEIVED
JUL 1 8 1986

OFFICE OF REGIONAL COUNSEL
EPA - REGION X

Voucher	Invoice	Purchase Order	Invoice Date	Amount	Discount	Net Amount
	Settlement of EPA complaint		7/1/85	\$3,825.00		\$3,825.00

McGraw-Edison Service
Division of McGraw-Edison Company
P.O. Box 21396
Columbus, Ohio 43221

National Electric Coil
Worthington Service

McGRAW-EDISON 2000- 615289

66.49
531

Pay	Date	Check No.	Amount
	7/2/85	615289	*\$3,825.00*

*THREE THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS AND 00/100 CENTS

To the order of

United States Treasurer

McGraw-Edison Service
Division of McGraw-Edison Company
P.O. Box 21396
Columbus, Ohio 43221

Susan Kelly

Wachovia Bank & Trust Company, N.A.
Winston-Salem, NC 27102

National Electric Coil/Worthington Service

(b) (6)



United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

7/8/85

Re: McGraw Edison

HERGEBETH CALLED :

1. McGraw's warning letter was approved & sent back to Kaikas/McGraw.
2. Annual report* for Spokane/McGraw was approved.
3. Waiting payments of \$ penalty notification,

D. Henry Elm

McGraw-Edison

Service

JUL 3 1985

OFFICE OF REGIONAL COUNSEL
EPA - REGION X

**NATIONAL ELECTRIC COIL
WORTHINGTON SERVICE**

**Service Group
McGraw-Edison Company
333 Route 46 West
Fairfield, NJ 07006**

June 28, 1985.

201-227-9228
TELEX 139110

D. Henry Elsen, Esq.
Assistant Regional Counsel
U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Dear Mr. Elsen:

Pursuant to our recent correspondence and communications, enclosed please find the original Consent Agreement which has been duly executed by the undersigned on behalf of McGraw-Edison. Further, in accordance with the provisions of Section 2(b) of the Agreement, kindly find enclosed a proposed letter to be sent to appropriate McGraw-Edison facilities following receipt of your approval.

Thank you for your courtesy and cooperation.

Very truly yours,



Stanley L. Waldbaum
Divisional Counsel

SLW/pb

Enclosures

cc: Mr. William Kaikis
Director of Industrial Relations

*Letter forwarded to
Hegebeth - memo
7/3/85*

JUN 10 1985

DATE: June 13, 1985
TO: All McGraw-Edison Service Division
Plant Managers
FROM: Bill Kaikis
RE: Compliance with EPA Regulations Regarding Polychlorinated
Biphenyls (PCB's)

34

The Spokane facility of the Service Division was recently the subject of an EPA inspection pertaining to compliance with the PCB regulations of the Toxic Substance Control Act (TSCA), 40 CFR Part 761 (attached). As a result of this inspection, penalties amounting to \$3825 were issued for improper inspection of PCB containing transformers, improper marking of said transformers and failure to prepare an appropriate annual report regarding the disposition of PCB items. Furthermore, EPA stated that any similar violations occurring in other Service Division facilities could result in "repeat" violations, which may warrant even more stringent monetary penalties.

Based on the above information, it is imperative that you review your operations and insure that all PCB containing equipment comply with the TSCA regulations. In particular, insure that all transformers containing 500 parts per million (ppm) PCB or more are visually inspected at least once every three months if they are in use or stored for reuse. Records of this inspection and a maintenance history should be maintained for at least three (3) years after disposing of the transformer. In addition, insure that all PCB containers, PCB containing transformers, PCB capacitors, electric motors containing PCB coolants, hydraulic systems using PCB,

PCB article containers (as defined by the regulation) and all PCB and PCB item pre-disposal storage areas, are properly marked with the formal six (6) inch PCB mark illustrated in 40 CFR Part 761.45. Only if the equipment being marked is too small to accommodate the 6 inch mark may the smaller 2 inch mark be used. Finally, insure that all of the appropriate information, as described in 40 CFR 761.180 (a), is maintained on site and a formal annual report is maintained at your facility.

A brief summary of the PCB regulations is also attached. If you have any questions contact Mr. Michael J. O'Brien, Manager, Environmental Affairs at (713) 739-5612. Thank you for your cooperation in this matter.

Sincerely,

Bill Kaikis

MJO1/d/bs

Attachment

IN THE MATTER OF)
) Docket No. 1085-03-20-2615P
MCGRAM EDISON SERVICE)
NATIONAL ELECTRIC COIL,)
)
)
)
Respondent.)

FINDINGS OF FACT

17 At or near the time of the issuance of the complaint in this matter, McGraw Edison, Inc. was purchased by Cooper Industries of Houston, Texas. McGraw Edison, Inc. agrees and warrants that all obligations described in this agreement and order are binding upon this new owner.

2. No quarterly inspections, as defined in 40 C.F.R. §761.30(a)(1), of the three PCB Transformers described in paragraph 1 above were performed by McGraw between April 1 and June 30, 1984.

3. On August 3, 1984, the three PCB Transformers described in paragraph 1 above were not labeled with a six inch by six inch label, as required by 40 C.F.R. §761.40(a)(2), and described in 40 C.F.R. §761.45.

4. As of August 3, 1984, no annual reports were developed or maintained for the years of 1978-1983, for the facility described in paragraph 1 above, as the term "annual report" is defined in 40 C.F.R. §761.180(a).

CONCLUSIONS OF LAW

1. McGraw's activities, as stated in the Findings of Fact, constitute violations of Section 15 of TSCA, 15 U.S.C. §2614, and the following regulations:

- a. 40 C.F.R. §761.30(a)(1) (use without quarterly inspections)
- b. 40 C.F.R. §761.40(a)(2) (labeling)
- c. 40 C.F.R. §761.180(a) (recordkeeping).

AGREEMENT

1. EPA has jurisdiction pursuant to TSCA over respondent and this proceeding.

2. In full and complete settlement of this matter, including all counts and allegations contained in the Complaint, McGraw will do the following:

- a. McGraw Edison Service Division will submit the annual reports for McGraw's Spokane facility (as described in Findings of Fact, paragraph 1) for the year 1983 to Mr. Bill Hedgebeth, EPA Region 10, 1200 Sixth Avenue, M/S 524, Seattle, Washington 98101. EPA will review the report for technical compliance with 40 C.F.R. §761.180(a)(1).

b. McGraw Edison Service Division will submit to EPA a draft of a letter which will be sent to other facilities in the McGraw organization that use PCB Items or Transformers. The letter will warn of possible ramifications of future liability for violations similar to those that are the subject of this proceeding. EPA will review the letter for technical accuracy, and submit comments to McGraw. After agreement on the content of the letter, Mr. Kaikas will send the letter to the appropriate McGraw facilities.

c. McGraw will pay a civil penalty totalling Three Thousand Eight Hundred and Twenty-Five Dollars (\$3,825.00) to EPA. This amount represents the originally assessed penalty less a fifteen percent (15%) credit to McGraw for the "attitude" of McGraw, as provided in the TSCA penalty policy, 45 F.R. 59770 (Sept. 10, 1980). The attitude credit is given in recognition of the above-described activities, and McGraw's efforts to correct the violations described in this agreement.

3. By agreement herein, McGraw waives its rights to a hearing on the facts, and its right of appeal of the complaint or this agreement and order.

Dated: 6/28/85

By: Stanley L. Waddell

Of Attorney for
McGraw Edison Service Division
McGraw Edison Co.

Dated: 6/13/85

By: D. Henry Elsen

Assistant Regional Counsel
Environmental Protection Agency
Region 10

1 ORDER

2 1. McGraw Edison Service Division, McGraw Edison Company shall pay
3 the total of Three Thousand Eight Hundred and Twenty-Five Dollars (\$3,825.00)
4 within thirty (30) days of the date of this ORDER.

5 Payment of this penalty shall be made by check payable to the United
6 States Treasurer, remitted to the following:

7 Environmental Protection Agency, Region 10
8 (Regional Hearing Clerk)
9 P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

10 with a copy to the

11 Regional Hearing Clerk
12 Office of Regional Counsel
13 Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

14 2. McGraw Edison Service Division, McGraw Edison Company shall
15 submit any annual reports for the year 1983, as the term "annual reports" is
16 defined by 40 C.F.R. §761.180(a), for its Spokane, Washington facility, to
17 EPA, within thirty (30) days of the date of this ORDER.

18 3. McGraw Edison Service Division, McGraw Edison Company shall
19 submit a draft of a letter advising other McGraw Edison Service Division
20 facilities of the potential ramifications of liability for similar violations ✓
21 to EPA within thirty (30) days of the date of this ORDER. After the content
22 of this letter is agreed upon between McGraw and EPA, McGraw will send this
23 letter to its Service Division facilities which may use PCB Items or
24 Transformers. *Letter received, 7/3/85*

25 DATED this 20th day of June 1985.

26
27 *Ernesta B. Barnes*
28 ERNESTA B. BARNES
Regional Administrator
U.S. Environmental Protection Agency